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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

CHELSIE VIGIL, Individually and as
Personal Representative of The Estate of
Jeffrey Ray Vigil,

Plaintiffs,

v.

SCOTT CROWTHER, STATE OF UTAH
DEPARTMENT OF CORRECTIONS,
DEFENDANTS DOE PRISON GUARDS
(1-20),

Defendants.

**STIPULATED ORDER
DISMISSING FIRST AMENDED
COMPLAINT AS TO DEFENDANT
UTAH DEPARTMENT OF
CORRECTIONS AND AS TO THE
INDIVIDUAL STATE DEFENDANTS IN
THEIR OFFICIAL CAPACITIES**

Case No. 1:16-CV-00132

Judge: Bruce S. Jenkins

Defendant State of Utah Department of Corrections, and each of the individual State Defendants in their official capacities have filed a Motion to Dismiss the First Amended Complaint as to Defendant Utah Department of Corrections and State Defendants in Their Official Capacities. The Motion filed by the Utah Department of Corrections and the individual

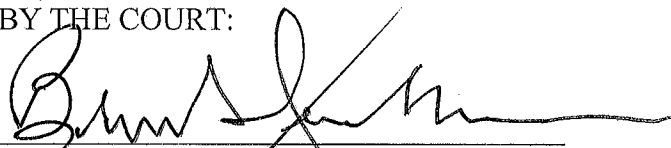
State Defendants is based on the fact that the State of Utah Department of Corrections and each of the individual State Defendants in their official capacities are not “person[s]” that can be sued for damages - in civil actions for damages brought pursuant to 42 U.S.C. § 1983 - and therefore dismissal of this matter as to the Utah Department of Corrections and the State Defendants in their official capacities with prejudice is warranted. In their Opposition to the State Defendants’ Motion Plaintiff recognizes that such dismissals are warranted. The Parties have now stipulated to such dismissal.

Notwithstanding Plaintiff correctly notes that each of the individual State Defendants have also been sued in their individual capacity, and that those claims remain part of the case and are not affected by this order. Accordingly, it is hereby ORDERED that:

1. The State of Utah Department of Corrections is dismissed from this matter with prejudice.
2. The claims brought against the individual State Defendants in their official capacities are dismissed with prejudice.
3. The Motion to Dismiss hearing set for August 30, 2017 is now moot and the hearing is canceled.
4. Within 30 days of this Order the parties are to submit to the Court a proposed stipulated discovery plan addressing the remaining claims against the individual State Defendants in their individual capacities.

DATED: 8/23/17.

BY THE COURT:



BRUCE S. JENKINS
United States District Court Judge

Stipulated as to form and content:

/s/ Randal W. Richards

Randal W. Richards
Emily A. Swenson
Attorneys for Plaintiff